

REMARKS

Favorable reconsideration of this application, in light of the following discussion and in view of the present amendment, is respectfully requested.

Claims 1, 3, 7-8, 11-13, 16-19, and 21 have been amended. Claims 1-21 are pending and under consideration.

I. Rejections under 35 U.S.C. § 103

In the Office Action, at pages 3-4, claims 7 and 21 were rejected under 35 USC § 103(a) as unpatentable over Baer et al. (U.S. Patent No. 6,782,266) and further in view of admitted prior art.

Neither Baer et al. nor the admitted prior art discuss or suggest:

a detection unit that detects a light wave, that is not a radio wave,
having a predetermined flicker frequency in a predetermined area;
and

a stop control unit that stops the radio communication unit from
performing all radio communication when the detection unit
detects the light wave having the predetermined flicker frequency,

as recited in amended claim 7. Baer et al., as relied on by the Examiner, discloses that a second transceiver is *enabled for radio communication* with a restricted wireless zone (RWZ) communication system and is *not stopped* from radio communication within the restricted wireless zone. More specifically, Baer et al. discloses that the second transceiver is enabled within the restricted wireless zone during a period in which the first transceiver is disabled. In this regard, the second transceiver is designed to communicate in the restricted wireless zone using a different *radio communication protocol*, such as Bluetooth, during a period when the first transceiver is restricted from communicating. In contrast, the invention of amended claim 7 provides for *stopping all radio communication* when the detection unit detects a light wave, which is not a radio wave, having a predetermined flicker frequency. Furthermore, the invention of claim 7 provides for a *detection unit* that detects a *light wave* having a predetermined flicker frequency in a predetermined area. The Examiner indicates that the second transceiver 152 of Baer et al. corresponds to the detection unit of claim 7. This is submitted to be incorrect. The second transceiver 152 of Baer et al. is merely a transceiver that is designed to communicate with a RWZ communication system via a wireless communication link using a radio wave. The second transceiver 152 of Baer et al. *does not detect a light wave*.

Also, it would not have been obvious, as the Examiner states, to combine Baer et al. and the admitted prior art for adapting to the right frequency, and, even if Baer et al. and the admitted prior art were combined, the invention of claim 7 would not result. To begin with, the Examiner states that the admitted prior art teaches that flicker frequency is well known in the art. However, the mere mention of a flicker frequency does not make it obvious to one skilled in the art that a portable communication apparatus, as claimed in claim 7, would include a detection unit that detects a second light wave having a predetermined flicker frequency in a predetermined area. Furthermore, the detection unit and stop control unit of invention 7 are provided for allowing the communication unit to detect non-radio wave frequencies, such as flicker frequencies, within a predetermined, restricted area, and prevent the communication unit from communicating over radio waves *at all* within this area. As such, the flicker frequency is used to indicate a position within a restricted area without itself providing radio interference that might be detrimental to other communication devices that might be present within the restricted area, and is not providing for adapting to the right frequency. In fact, Baer et al. is not concerned with completely restricting radio communication within a restricted area, but instead is provided for switching between a more intrusive communication protocol and less intrusive communication protocol depending on the location of a wireless communication device. As such, the Examiner's motivation is improper.

Since neither Baer et al. nor the admitted prior art discuss or suggest all of the features of claim 7, and there is no proper motivation to combine the references, claim 7 patentably distinguishes over Baer et al. and the admitted prior art. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

Neither Baer et al. nor the admitted prior art discuss or suggest:

detecting a light wave, that is not a radio wave, having a predetermined flicker frequency in a predetermined area; and
stopping the communication unit from performing all radio communication during a period of time when the light wave having the predetermined flicker frequency is detected,

as recited in amended claim 21. Therefore, claim 21 patentably distinguishes over Baer et al. and the admitted prior art. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

In the Office Action, at pages 4-8, claims 1-3, 8, 12-13, and 17-19 were rejected under 35 USC § 103(a) as being unpatentable over Baer et al. in view of Fujii (U.S. Patent No. 6,985,729) and further in view of admitted prior art.

As discussed above, the combination of Baer et al. and the admitted prior art does not discuss or suggest:

a detection unit that detects a light wave, that is not a radio wave,
having a predetermined flicker frequency in a predetermined area;

and

a stop control unit that stops the radio communication unit from
performing all radio communication during a period of time in
which the user is notified,

as recited in amended claim 1. Fujii does not make up for this deficiency. Thus, even if Baer et al., Fujii, and the admitted prior art were combined, as proposed in the Office Action, the invention of claim 1 would not result. Therefore, claim 1 patentably distinguishes over Baer et al., Fujii, and the admitted prior art. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

None of Baer et al., Fujii, and the admitted prior art, nor any combination thereof, discuss or suggest:

a detection unit that detects a light wave, that is not a radion wave,
having a predetermined flicker frequency in a predetermined area,
and that determines an attribute of the predetermined area;

and

a stop control unit that stops the radio communication unit from
performing all radio communication according to an instruction
from the user when the notification is notified, and that stops the
radio communication unit from performing all radio communication
when the attribute indicates the prohibited area,

as recited in amended claim 12. Furthermore, none of Baer et al., Fujii, and the admitted prior art discuss or suggest:

a notification unit that notifies a user of the portable
communication apparatus with a notification when the attribute
indicates a warning area adjacent to a prohibited area, the
notification indicating that the portable communication apparatus is
present in the warning area,

as recited in claim 12. In other words, the invention of claim 12 provides for a *warning area that is adjacent to the prohibited area*. As such, the warning area provides the user of the communication device with a buffer zone between radio communication enabled and radio communication prohibited areas, such that the user has time to anticipate a pending stoppage of radio communication. None of the cited prior art makes mention of providing for a warning area. It is submitted that the Examiner has failed to specifically address these features of claim 12. Applicant respectfully requests the Examiner to indicate a specific disclosure in the cited prior art

that teaches an *attribute indicating a warning area that is adjacent to a prohibited area*. Thus, even if Baer et al., Fujii, and the admitted prior art were combined, as proposed in the Office Action, the invention of claim 12 would not result. Therefore, claim 12 patentably distinguishes over Baer et al., Fujii, and the admitted prior art. Accordingly, withdrawal of this § 103(a) rejection is respectfully requested.

Claims 2-3 and 13 and 17-19 depend either directly or indirectly from independent claims 1 and 12, respectively, and include all the features of claims 1 and 12, respectively, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 2-3 and 13 and 17-19 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

As discussed above, the combination of Baer et al. and the admitted prior art does not discuss all of the features of independent claim 7. Claim 8 depends directly from independent claim 7, and includes all the features of claim 7, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claim 8 patentably distinguishes over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

In the Office Action, at pages 8-11, claims 4-6, 9-11, 14-16, and 20 were all rejected under 35 USC § 103(a) as being unpatentable over Baer et al. in view of various combinations of Fujii, admitted prior art, Lipovski (U.S. Patent Application No. 2004/0087318), and Vannel et al. (U.S. Patent No. 6,760,605).

Claims 4-6, 9-11, 14-16, and 20 depend either directly or indirectly from independent claims 1, 7, and 12, respectively, and include all the features of claims 1, 7, and 12, respectively, plus additional features that are not discussed or suggested by the references relied upon. Therefore, claims 4-6, 9-11, 14-16, and 20 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of these § 103(a) rejections is respectfully requested.

CONCLUSION

Claims 1-21 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Serial No. 10/734,137

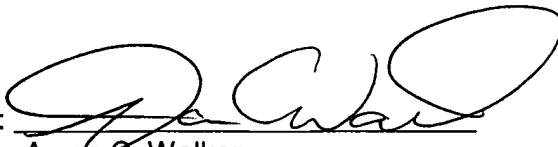
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12-20-07

By: 
Aaron C. Walker
Registration No. 59,921

1201 New York Avenue, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501